

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOAN MASSAGUE and MONG-HONG LEE
Junior Party¹

v.

STEPHEN J. ELLEDGE and JEFFREY W. HARPER
Senior Party²

Patent Interference No. 103,970

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

DOWNEY, Administrative Patent Judge.

JUDGMENT

¹ Application 08/415,655, filed April 4, 1995.

² Application 08/414,600, filed March 31, 1995.

Interference No. 103,970

Elledge et al., the senior party, filed an abandonment of the contest as to a count and conceded priority of the subject matter to junior party (Paper No. 26). Pursuant to 37 CFR § 1.662(a), the Elledge et al. paper is treated as a request for entry of an adverse judgment as to all the claims which correspond to the count in this interference.

Accordingly, JUDGMENT as to the subject matter of the count in issue is hereby awarded to JOAN MASSAGUE and MONG-HONG LEE, the junior party. On this record, party Massague is entitled to a patent containing claims 9, 10 and 60 and is not entitled to a patent containing claims 1-8 and 11-20.³ Accordingly, STEPHEN J. ELLEDGE and JEFFREY W. HARPER, the senior party, are not entitled to a patent containing claims 41-50 corresponding to the count.

STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
MICHAEL SOFOCLEOUS)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	

³ The primary examiner has determined that Massague et al. Claims 1-8 and 11-20 are unpatentable. See PTO-850.

Interference No. 103,970

MARY F. DOWNEY)
Administrative Patent Judge)

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